

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOBBY E. BROWN,

Plaintiff,

vs.

MARROQUIN, et al.,

Defendants.

1:21-cv-00087-ADA-GSA-PC

**ORDER DISREGARDING PLAINTIFF'S
OBJECTIONS TO DEFENDANTS'
ANSWER**

(ECF No. 34.)

Bobby E. Brown ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with the original Complaint filed on January 21, 2021, against defendants Darius Campbell, D. Chavez, M. Espinosa, Otto Marroquin, and M. Pompa (collectively "Defendants"), on Plaintiff's claims for excessive force. (ECF No. 1.) On June 5, 2023, Defendants filed an Answer to the Complaint. (ECF No. 23.) On June 26, 2023, Plaintiff filed objections to Defendants' Answer. (ECF No. 26.)

Federal Rule of Civil Procedure 7(a) identifies the types of pleadings which are allowed. Fed. R. Civ. P. 7(a). Parties are only permitted to file a reply to an Answer "if the court orders one." Fed. R. Civ. P. 7(a)(7). A reply is not permitted as a right.

Leave to file a reply, or to compel a reply, requires the moving party to make clear and convincing reasons or show extraordinary circumstances why a reply is necessary. Moviecolor, Ltd. v. Eastman Kodak Co., 24 F.R.D. 325, 326 (S.D. N.Y. 1959) ("that a reply to an affirmative

1 defense should not be ordered unless there is a clear and convincing factual showing of necessity
2 or other extraordinary circumstances of a compelling nature”).

3 Defendants’ Answer to Plaintiff’s Complaint does not include a counterclaim against
4 Plaintiff. (See ECF No. 23.) Nor has the Court ordered Plaintiff to reply to Defendants’ Answer.
5 Furthermore, Plaintiff has not stated clear and convincing reasons or what extraordinary
6 circumstances would compel this Court to permit him to file a reply. Therefore, Plaintiff’s
7 objections to the Answer shall be disregarded.

8 Accordingly, based on the foregoing, **IT IS HEREBY ORDERED** that Plaintiff’s
9 objections to Defendants’ Answer, filed on June 26, 2023, are disregarded.

10 IT IS SO ORDERED.
11

12 Dated: **July 31, 2023**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE